

EXHIBIT 2



UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

NETLIST, INC.

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD, et al.

Samsung Defendants.

Civil Case No. 2:22cv-00293-JRG
(Lead Case)

JURY TRIAL DEMANDED

NETLIST, INC.

Plaintiff,

v.

MICRON TECHNOLOGY TEXAS, LLC, et al.

Samsung Defendants.

Civil Case No. 2:22cv-00294-JRG
(Member Case)

JURY TRIAL DEMANDED

**SAMSUNG DEFENDANTS' SECOND SET OF
REQUESTS FOR ADMISSION (NOS. 13-50)**

Pursuant to Rule 26 and 36 of the Federal Rules of Civil Procedure and the Discovery Order (Dkt. No. 56), Samsung Defendants Samsung Electronics Co., Ltd., Samsung Electronics America, Inc. and Samsung Semiconductor, Inc. (collectively "Samsung Defendants") hereby request that Plaintiff Netlist, Inc. ("Netlist") answer in writing the following second set of requests for admission within thirty (30) days after service of these requests for admission.

These requests are continuing and impose on the responding party the obligations set forth in Rules 26 and 36 of the Federal Rules of Civil Procedure.

8. No particular request for admission is meant to limit the scope of any other request for admission, or any term defined, and no such interpretation should be given.

9. If you object to any portion of a request for admission, please provide all information responsive to any portion of the request for admission to which you do not object.

10. If you object that a term or phrase is vague, ambiguous or indefinite, then provide your understanding of the term or phrase and respond accordingly.

REQUESTS FOR ADMISSION

REQUEST FOR ADMISSION NO. 13:

Admit that since the inception of Netlist's business in 2000, Netlist has experienced only two profitable fiscal years.

REQUEST FOR ADMISSION NO. 14:

Admit that the only two years Netlist was profitable were 2006 and 2021.

REQUEST FOR ADMISSION NO. 15:

Admit that Netlist was not profitable in fiscal years 2016 or 2017.

REQUEST FOR ADMISSION NO. 16:

Admit that the majority of Netlist's sales in fiscal years 2016 and 2017 were sales of Samsung products.

REQUEST FOR ADMISSION NO. 17:

Admit that in 2016 and 2017, reselling of Samsung's products represented between 80-90% of Netlist's net product revenues.

REQUEST FOR ADMISSION NO. 18:

Admit that in 2016 and 2017, the price Netlist charged its customers for Samsung products was higher than the price Netlist paid Samsung for those products.

REQUEST FOR ADMISSION NO. 19:

Admit that the only cash payment exchanged under the terms of the JDLA was an \$8,000,000 payment from Samsung to Netlist.

REQUEST FOR ADMISSION NO. 20:

Admit that under the terms of Section 6 of the JDLA, neither Samsung nor Netlist were required to purchase products from the other party.

REQUEST FOR ADMISSION NO. 21:

Admit that the products Netlist purchased from Samsung under the terms of Section 6 of the JDLA were to resell to Netlist customers.

REQUEST FOR ADMISSION NO. 22:

Admit that by definition in the JDLA, “Netlist’s Licensed Patents” included the Asserted Patents.

REQUEST FOR ADMISSION NO. 23:

Admit that by definition in the JDLA, “Samsung’s Licensed Products” include the Accused Products.

REQUEST FOR ADMISSION NO. 24:

Admit that the only cash payment exchanged under the terms of the SK hynix agreement was a \$40,000,000 payment from SK hynix to Netlist.

REQUEST FOR ADMISSION NO. 25:

Admit that under the terms of Section 5 of the SK hynix agreement, neither SK hynix nor Netlist were required to purchase products from the other party.

REQUEST FOR ADMISSION NO. 26:

Admit that the products Netlist purchased from SK hynix under the terms of Section 5 of the SK hynix agreement were to resell to Netlist customers.

REQUEST FOR ADMISSION NO. 27:

Admit that by definition in the SK hynix agreement, “Netlist Licensed Patents” includes the Asserted Patents.

REQUEST FOR ADMISSION NO. 28:

Admit that no current Netlist product practices any Asserted Claim of the Asserted Patents.